

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DINÉ CITIZENS AGAINST RUINING OUR  
ENVIRONMENT, et al.**

Plaintiffs,

v.

**ARIZONA PUBLIC SERVICE COMPANY, et  
al.**

Defendants.

Case No. 1:11-cv-00889 JB-SCY

**NOTICE OF VOLUNTARY DISMISSAL BY ONE PLAINTIFF - SIERRA CLUB**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), Plaintiff Sierra Club hereby provides notice to the Court and all parties that it voluntarily dismisses with prejudice all of its claims against all Defendants in this proceeding. This notice concerns the claims of Plaintiff Sierra Club only *and does not concern any other plaintiff or claim in this case*. Rule 41(a)(1)(A) provides that a plaintiff may dismiss an action without a court order by filing a notice of dismissal for voluntary withdrawal “before the opposing party serves either an answer or a motion for summary judgment.” *Id.*

On October 4, 2011, Plaintiffs, Diné Citizens Against Ruining Our Environment, To’ Nizhoni Ani, National Parks Conservation Association, and the Sierra Club filed a Complaint (Doc. 1) and on January 6, 2012 filed a First Amended Complaint (Doc. 6) against Defendants Arizona Public Service Co. et al. Defendants filed two motions to dismiss under Rule 12(b)(1) and (6) on April 2, 2012 (Docs. 34 and 36). Plaintiffs filed responses to the motions to dismiss on May 16, 2012 (Docs. 43 and 44), and Defendants filed replies on June 22, 2012 (Docs 51 and 52). On November 28, 2012, the court granted parties’ joint motion to stay the proceeding

pending settlement negotiations (Doc. 75). The proceeding has been stayed since that time. By rule, the motions to dismiss do not constitute a responsive pleading and therefore no answer or motion for summary judgment has been filed in this case. Fed. R. Civ. P. 12(a)(4). Plaintiff Sierra Club therefore may dismiss its action without a court order. Fed. R. Civ. P. 14(a)(1)(A).

The undersigned counsel will continue to represent the remaining three Plaintiffs (Diné Citizens Against Ruining Our Environment, To' Nizhoni Ani, and National Parks Conservation Association) in this proceeding.

Dated July 8, 2014:

Respectfully Submitted,



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Suma Peesapati (admitted pro hac vice)  
(CA Bar #203701)

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Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of July 2014, I caused the foregoing **Notice of Voluntary Dismissal by One Plaintiff- Sierra Club** to be served via the Court's CM/ECF system on all counsel of record.



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